IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

WP(C).No. 29170 of 2006(V)

PETITIONER:

I.V.DEVAYANI, ASSISTANT LABOUR OFFICER,
IIIRD CIRCLE, THRISSUR.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (G) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT
EXAMINATIONS, THIRUVANANTHAPURAM.

BY G.P. SHRI A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A. K. Basheer, J.

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W.P.(C)No.29170 Of 2006-V

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Dated this the 7th day of November, 2006.

JUDGMENT

Petitioner who is stated to be working as Asst. Labour Officer, had applied for correction of her date of birth in the school records. She contends that her actual date of birth is February 2, 1953 and not January 3, 1952 as entered in her S.S.L.C. Book. It is however conceded by the petitioner that the application submitted by her before the Government was hopelessly belated and time barred. But her only grievance is that the Government rejected her request through a non-speaking order and that too without affording her an opportunity of being heard. Learned counsel submits that Ext.P3 order, on the face of it shows that relevant aspects of the matter were not considered at all.

2. Having regard to the facts and circumstances, though I am not impressed by the contentions raised by the petitioner, I am satisfied that respondent No.1 can be directed to pass orders in the matter after affording an opportunity to the petitioner to be heard. Accordingly, Ext.P3 order is quashed. I hasten to add that I have not considered the merit of the contentions raised by the petitioner. It will be entirely open to respondent No.1 to take a decision in the matter strictly on its merit and in accordance with law. The only reason why Ext.P3 is being quashed is that petitioner has not been afforded any opportunity to be heard.

Therefore, the writ petition is disposed of with a direction to respondent

No.1 to consider and pass orders on Ext.P2 request made by the petitioner as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Needless to mention that petitioner shall be afforded sufficient opportunity to be heard before any orders are passed in the matter.

Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before respondent No.1 for compliance.

(A.K. Basheer)
Judge.

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